

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIGIO G. GONZALEZ-NOYOLA,

Defendant.

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8:05CR274

ORDER

This matter is before the court on defendant's motion to continue trial (#55) because he has retained substitute counsel. Based on the representation that the defendant has executed and will file a waiver of speedy trial, *see* NECrimR 12.1, I find that the case should be continued to February 28, 2006.

IT IS ORDERED that defendant's Motion to Continue Trial (#35) is granted, as follows:

1. Trial of this matter is continued from December 6, 2005 to **February 28, 2006** before Judge Laurie Smith Camp and a jury.

2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 6, 2005 and February 28, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in the motion, and considering the diligence of counsel. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED December 5, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**